

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:23-cv-00047-CSD

Order

Re: ECF No. 1-1

JAMES EDWARD SCOTT, III,

Plaintiff

v.

D.A.T., a minor

Defendant

Plaintiff is an inmate in custody of the Nevada Department of Corrections (NDOC). He initiated this action in the United States District Court for the District of Nevada with a motion to establish paternity with respect to D.A.T., a minor. (ECF No. 1-1.) The Clerk provisionally sealed the motion because it discloses the full name of a minor, in violation of Local Rule IC 6-1(a)(2). Moreover, Plaintiff's motion was not accompanied by the \$402 filing fee (consisting of a \$350 filing fee and \$52 administrative fee) or an application to proceed *in forma pauperis*.

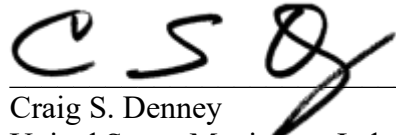
In any event, the court finds that this action should be dismissed for lack of subject matter jurisdiction. "It has been held that even though there is diversity of citizenship and a sufficient amount in controversy to satisfy the technical jurisdictional requirements, the federal courts have no jurisdiction of suits to establish paternity and child support." *Buechold v. Ortiz*, 401 F.2d 371, 372 (9th Cir. 1968) (citations omitted). "Furthermore, it is well recognized that the federal courts must decline jurisdiction of cases concerning domestic relations when the primary issue concerns the status of parent and child or husband and wife." *Id.* (collecting cases). Plaintiff's paternity action is properly brought in state court; however, Plaintiff will have to determine whether the

1 suit is appropriately brought In Indiana, where the minor child lives, or in Nevada, where
2 Plaintiff currently resides.

3 For these reasons, this action is **DISMISSED**. The dismissal is without prejudice to
4 Plaintiff bringing it in the proper state court. The initiating motion (ECF No. 1-1) shall remain
5 **SEALED**.

6 **IT IS SO ORDERED.**

7 Dated: February 6, 2023

8 
9 Craig S. Denney
United States Magistrate Judge